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October 20, 2008

Honorable Frederick J. Scullin, Jr.  
Senior United States District Judge  
Northern District of New York  
PO Box 7367  
Syracuse, New York 13261-7367

Re: United States v. Jean C. Gonzales  
Docket No.: 07-CR-015 (FJS)

Dear Judge Scullin:

Please accept this letter as the Defendant's sentencing memorandum with respect to the above referenced matter.

I have previous indicated to the Probation Department my comments regarding the initial draft of the Presentance Report and these have satisfactorily been covered by an addendum to the report dated October 17, 2008

The defendant has no objection to the offense level computation or the criminal history computation.

I am enclosing herewith a letter from my client to the Court addressing the sentencing issue.

While the basic guidelines calculation results in an imprisonment range of 135 to 168 months the statutorily mandated minimum sentence of 20 years becomes the guideline sentence.

My client, as indicated in his letter to the Court, has learned a very hard lesson. He is remorseful, accepts total responsibility for his actions and is determined to turn his life around. He also feels that his personal integrity is in tact as he did not take the all too familiar approach of many federal criminal defendants and "rat out" others. This was a deeply thought out and costly decision that he made. At some level this decision is a very noble one.

The 20 year mandatory minimum sentence that the cost must hand down violates, in my judgment, the provisions of 18 U.S.C. section 3553 (a) wherein the Court is directed to impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in 18 U.S.C. section 3553 (a) (2). Given all of the facts set forth in the presentence

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report, it is respectfully submitted that a sentence within the basic guidelines range of 135 to 168 months would be sufficient and an appropriate sentence to fulfill the purposes of 18 U.S. C. section 3553 (a)(2). The statutorily mandated minimum sentence is greater than necessary herein.

Thank you for your courtesies and consideration in this matter.

Respectfully yours,

JAMES H. MEDCRAF

JHM/slg

CC: AUSA Terrance M. Kelly, Esq.  
USPO Edward M. Cox